

ORIGINAL

CARRIE K.S. OKINAGA, 5958
Corporation Counsel
MOANA A. YOST, 7738
DEREK T. MAYESHIRO, 6858
JANE KWAN, 7976
Deputies Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813
Telephone: (808) 523-4065/523-4657
Facsimile: (808) 523-4583
e-mail: myost@honolulu.gov

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 11 2006

at 1 o'clock and 3 min. PM
SUE BEITIA, CLERK

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MATTHEW HARRELL,

Plaintiff,

vs.

CITY AND COUNTY OF
HONOLULU, A Municipal corporation,
the Royal Hawaiian Band, Aaron Mahi,
Sr. Director, Robert Larm, Sanford
Masada.

Defendants.

MATTHEW HARRELL,

Plaintiff,

vs.

CITY AND COUNTY OF
HONOLULU, A Municipal
corporation, the Royal Hawaiian Band,
A Dept. of the City of Honolulu; Aaron
Mahi, Sr. Director,

Defendants.

Civil No. 01-00555 MEA-KSC
Civil No. 02-00223 MEA-KSC
[Cases Consolidated]

CITY DEFENDANTS' PROPOSED
JURY INSTRUCTIONS NO. 13;
CERTIFICATE OF SERVICE

Trial: January 4, 2006

Judge: Honorable Marvin E. Aspen

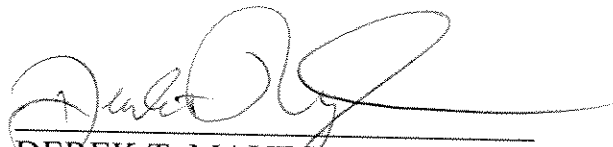
CITY DEFENDANTS' PROPOSED JURY INSTRUCTION NO. 13

Come now, Defendants City and County of Honolulu, the Royal Hawaiian Band, Aaron Mahi, Robert Larm, and Sanford Masada (hereinafter "Defendants"), by and through their attorneys, CARRIE K.S. OKINAGA, Corporation Counsel and MOANA A. YOST, DEREK T. MAYESHIRO and JANE KWAN, Deputies Corporation Counsel, and hereby submit their Proposed Jury Instruction No. 13.

DATED: Honolulu, Hawaii, January 11, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By

A handwritten signature in black ink, appearing to read 'Derek T. Mayeshiro', is written over a horizontal line.

DEREK T. MAYESHIRO

MOANA A. YOST

JANE KWAN

Deputies Corporation Counsel

Attorneys for Defendants

CITY DEFENDANTS' PROPOSED JURY INSTRUCTION NUMBER 13

In order to find the City and County of Honolulu and/or the Royal Hawaiian Band liable for discrimination, the Plaintiff must prove that his civil rights were violated as a result of an official policy or custom of the City and County of Honolulu and/or the Royal Hawaiian Band.

See Federation of African Am. Contractors v. City of Oakland, 96 F.3d 1204, 1215 (9th Cir. 1996).

_____ Given

_____ Given as Modified

_____ Denied

_____ Withdrawn

United States District Court Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MATTHEW HARRELL,

Plaintiff,

vs.

CITY AND COUNTY OF
HONOLULU, A Municipal
corporation, the Royal Hawaiian Band,
Aaron Mahi, Sr. Director, Robert Larm,
Sanford Masada.

Defendants.

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[Cases Consolidated]

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within was hand delivered to the following individual at his address listed below on January 11, 2006.

Andre' S. Wooten, Esq.
Century Square, Suite 1909
1188 Bishop Street
Honolulu, Hawaii 96813
Attorney for Plaintiff

DATED: Honolulu, Hawaii, January 11, 2006.

CARRIE K.S. OKINAGA
Corporation Counsel

By

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DEREK T. MAYESHIRO

MOANA A. YOST

JANE KWAN

Deputies Corporation Counsel

Attorneys for Defendants